

**Exhibits 1 – 8**

**TO THE DECLARATION OF  
JEFFREY B. COOPERSMITH RE:  
DEFENDANT RAMESH BALWANI'S  
OPPOSITION TO THE GOVERNMENT'S  
MOTION TO EXCLUDE DEFENDANT'S  
LIS-RELATED TESTIMONY AND  
EVIDENCE BY RICHARD L. SONNIER III**

# **Exhibit 1**



**UNITED STATES POSTAL INSPECTION SERVICE**  
**MEMORANDUM OF INTERVIEW**

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CASE NUMBER : 2204323-MF

PERSON INTERVIEWED : Dr. Donald Tschirhart

PLACE OF INTERVIEW : Telephonic

DATE OF INTERVIEW : May 14, 2022

TIME OF INTERVIEW : 1:37 P.M. to 2:00 P.M.

INTERVIEWED BY : Postal Inspector Christopher McCollow

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On May 14, 2022, Dr. Donald Tschirhart (TSCHIRHART) was interviewed telephonically regarding his former employment at Theranos. The following is a summary of the statements made during the interview.

TSCHIRHART was previously contacted by the defense teams for both Elizabeth Holmes (HOLMES) and Sunny Balwani (BALWANI), though he has not been retained by either party. TSCHIRHART has not been deposed in any matter related to Theranos.

TSCHIRHART and Dr. Kingshuk Das (DAS) were hired by Theranos to help the company keep its clinical laboratory license after issues were identified during a CLIA [Clinical Laboratory Improvement Amendments] inspection.

TSCHIRHART said Theranos' clinical work consisted of standard assays run on standard analyzers. Test data was uploaded into an off-the-shelf laboratory information system (LIS) purchased from Meditech. He saw Theranos had previously used modified third-party devices, but their use had been abandoned by the time he started. Theranos had a custom LIS for their Edison devices, which he described as a managed quality system. He thought the system was "genius," but it had no meaningful impact on his work.

Examination of Theranos' LDTs [laboratory developed tests] was a small portion of TSCHIRHART work at the company.

TSCHIRHART said one would have to assess a patient to determine if there had been any harm. Theranos sent thousands of letters to patients that may have been potentially harmed, but TSCHIRHART said he did not find any patients that had been harmed. Quality control data was needed to assess harm, too. Without that information, no conclusions could be made about whether a particular test result was accurate.

Theranos' proprietary LIS system was a passthrough system which supported the Edison devices. It had quality control data and other records. Theranos also had a web-based data reporting system TSCHIRHART used to get lab data.

TSCHIRHART was asked about a comment in an email where he described Theranos' LIS as held together with "spit and chewing gum." He said that comment was not about the LIS, but rather Theranos' quality systems. He compared clinical laboratory quality systems to the Uniform Building Code and said Theranos should have had a comprehensive set of policies and procedures in place that were generally accepted as good lab practice by the industry. Every test result should be covered by over one hundred documented quality monitors. Theranos knew nothing of how clinical labs were supposed to be built. He said this did not mean Theranos did poor work, but rather it was not done in the normal way. He did not know how the previous lab director, Dr. Sunil Dhawan, accepted these poor practices.

Quality systems were an issue for the entirety of Theranos, and he suggested to HOLMES improvements. HOLMES hired Fabrizio Bonanni to improve the company's quality systems.

*Christopher McCollow*

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(Signature)

Christopher McCollow  
U.S. Postal Inspector

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May 16, 2022  
Date

## **Exhibit 2**

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**From:** Shekar Chandrasekaran  
**Sent:** Friday, August 24, 2018 5:28 PM  
**To:** 'David Taylor'  
**Cc:** Topinka, Jim  
**Subject:** RE: Confidential Common Interest Communication - LIS Code

David:

I have shipped the engagement letter to Jim as promised. Just an FYI..

Best,

\shekar..

V. Chandrasekaran (Shekar)  
IncRev Corporation  
Email: [REDACTED]  
Phone: [REDACTED]  
Cell: + [REDACTED]  
Web: <http://www.increvcorp.com>

---

**From:** David Taylor <dtaylor@theranos.com>  
**Sent:** Friday, August 24, 2018 8:58 AM  
**To:** Shekar Chandrasekaran <[REDACTED]>  
**Cc:** Topinka, Jim <jet@dwt.com>  
**Subject:** FW: Confidential Common Interest Communication - LIS Code

Shekar, just checking back in on the status of your engagement agreement here.

Thanks,  
David

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**From:** Topinka, Jim [<mailto:jet@dwt.com>]  
**Sent:** Friday, August 17, 2018 4:46 PM  
**To:** David Taylor <[dtaylor@theranos.com](mailto:dtaylor@theranos.com)>  
**Subject:** Confidential Common Interest Communication - LIS Code

This confirms our telephone conversation this afternoon in which I indicated that Sunny will pay the costs of Shekar's time for obtaining and releasing the LIS code to us and that the code will only be used for litigation purposes. We also anticipate using Shekar to host the code and the database on a secured basis and to run reports as needed by us for the litigation. Please confirm that you will proceed with releasing the code based on these representations and ask Shekar to email me a copy of his standard engagement letter, including his rate structure. Thank you.

**James E. Topinka** | Davis Wright Tremaine LLP  
Partner  
505 Montgomery Street, Suite 800 | San Francisco, CA 94111  
Tel: (415) 276-6566 | Cell: (415) 793-4748 | Fax: (415) 276-6599  
Email: [jet@dwt.com](mailto:jet@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

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Theranos, Inc., 7373 Gateway Boulevard, Newark, CA 94560

650-838-9292 [www.theranos.com](http://www.theranos.com)

## **Exhibit 3**



In re Arizona Theranos, Inc. Litigation

Videotaped Deposition of  
SHEKAR CHANDRASEKARAN

April 24, 2019

\*\*\*CONFIDENTIAL\*\*\*

UNDER THE PROTECTIVE ORDER



Shekar Chandrasekaran

In re Arizona Theranos, Inc. Litigation

Page 1	Page 2
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF ARIZONA</p> <p>3</p> <p>4 In re: )No. 2:16-cv-2138-HRH</p> <p>5 )Consolidated with</p> <p>6 ARIZONA THERANOS, INC., )2:16-cv-2373-HRH</p> <p>7 Litigation )2:16-cv-2660-HRH</p> <p>8 )2:16-cv-2775-HRH</p> <p>9 )-and-</p> <p>10 )2:16-cv-3599-HRH</p> <p>11 _____)</p> <p>12</p> <p>13 CONFIDENTIAL UNDER THE PROTECTIVE ORDER</p> <p>14 VIDEOTAPED DEPOSITION OF SHEKAR CHANDRASEKARAN</p> <p>15 San Francisco, California</p> <p>16 April 24, 2019</p> <p>17</p> <p>18 REPORTED BY:</p> <p>19 JOHNNA PIPER</p> <p>20 CSR 11268</p> <p>21 Job No. 10054960</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF ARIZONA</p> <p>3</p> <p>4 In re: )No. 2:16-cv-2138-HRH</p> <p>5 )Consolidated with</p> <p>6 ARIZONA THERANOS, INC., )2:16-cv-2373-HRH</p> <p>7 Litigation )2:16-cv-2660-HRH</p> <p>8 )2:16-cv-2775-HRH</p> <p>9 )-and-</p> <p>10 )2:16-cv-3599-HRH</p> <p>11 _____)</p> <p>12</p> <p>13 Videotaped deposition of SHEKAR</p> <p>14 CHANDRASEKARAN, Volume I, taken on behalf of</p> <p>15 Plaintiffs, at Lieff, Cabraser, Heimann &amp; Bernstein,</p> <p>16 275 Battery Street, 29th Floor, San Francisco,</p> <p>17 California, beginning at 9:05 a.m. and ending at</p> <p>18 1:06 p.m. on Wednesday, April 24, 2019, before</p> <p>19 JOHNNA PIPER, Certified Shorthand Reporter No.</p> <p>20 11268.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiffs:</p> <p>4 Lieff, Cabraser, Heimann &amp; Bernstein</p> <p>5 275 Battery Street, 29th Floor</p> <p>6 San Francisco, California 94111</p> <p>7 (415) 956-1000</p> <p>8 mgardner@lchb.com</p> <p>9 rheller@lchb.com</p> <p>10 By: Melissa A. Gardner, Esq.</p> <p>11 Roger Heller, Esq.</p> <p>12</p> <p>13 For Ramesh Sunny Balwani:</p> <p>14 Davis, Wright, Tremaine LLP</p> <p>15 920 Fifth Avenue, Suite 3300</p> <p>16 Seattle, Washington 98104-1610</p> <p>17 (206) 622-3150</p> <p>18 amandamcdowell@dwt.com</p> <p>19 By: Amanda Mariam McDowell, Esq.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 For the Walgreens Defendants (telephonically):</p> <p>2 Sidley Austin LLP</p> <p>3 One South Dearborn</p> <p>4 Chicago, Illinois 60603</p> <p>5 (312) 853-6892</p> <p>6 laustin@sidley.com</p> <p>7 BY: Elizabeth Y. Austin, Esq.</p> <p>8</p> <p>9</p> <p>10 Also Present: Ralna Ramse, videographer.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS: SHEKAR CHANDRASEKARAN</p> <p>4</p> <p>5 EXAMINATION BY: PAGE</p> <p>6 MS. GARDNER 7</p> <p>7 MS. AUSTIN 140</p> <p>8 MS. MCDOWELL 150</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 NUMBER DESCRIPTION PAGES</p> <p>12 Exhibit 1 Subpoena to Testify At a Deposition 8</p> <p>13 in a Civil Action</p> <p>14 Exhibit 2 Screenshots of contents of folders 45</p> <p>15 visible when you open contents of</p> <p>16 the hard drive</p> <p>17 Exhibit 3 Printout of the URL with Microsoft 113</p> <p>18 standard instructions for restoring</p> <p>19 the database</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 San Francisco, California; Wednesday, April 24,</p> <p>2 2019; 9:05 a.m.</p> <p>3</p> <p>4 PROCEEDINGS</p> <p>5</p> <p>6 THE VIDEOGRAPHER: We're now on the record.</p> <p>7 Today's date is April 24th, 2019, and the time is</p> <p>8 9:05 a.m.</p> <p>9 This is the video deposition of Shekar --</p> <p>10 Chandrasekaran, being taken in the matter of Arizona</p> <p>11 Theranos, Incorporated, Litigation, pending in the</p> <p>12 U.S. District Court, District of Arizona, Case</p> <p>13 Number 2:16-cv-2138-HRH. We are at 275 Battery</p> <p>14 Street, 29th Floor, in San Francisco, California.</p> <p>15 My name is Ralna Ramse, of Aptus Court</p> <p>16 Reporting, located at One Embarcadero, Suite 1060,</p> <p>17 in San Francisco, California.</p> <p>18 Will counsel please identify yourselves and</p> <p>19 state whom you represent.</p> <p>20 MS. GARDNER: Melissa Gardner from Lief, f,</p> <p>21 Cabraser, Heimann &amp; Bernstein for the plaintiffs.</p> <p>22 MS. MCDOWELL: Good morning.</p> <p>23 Amanda McDowell with Davis, Wright,</p> <p>24 Tremaine, representing Sunny Balwani.</p> <p>25 MS. AUSTIN: And Elizabeth Austin of Sidley</p>
Page 7	Page 8
<p>1 Austin for the Walgreens defendants.</p> <p>2 THE VIDEOGRAPHER: Okay. The court</p> <p>3 reporter today is Johnna Piper, and she may now</p> <p>4 swear in the witness.</p> <p>5</p> <p>6 SHEKAR CHANDRASEKARAN,</p> <p>7 having been first duly sworn, testifies as follows:</p> <p>8</p> <p>9 EXAMINATION</p> <p>10 BY MS. GARDNER:</p> <p>11 Q. Okay. Good morning.</p> <p>12 A. Good morning.</p> <p>13 Q. Hi.</p> <p>14 So I represent the consumers who used</p> <p>15 Theranos testing services in a putative class action</p> <p>16 lawsuit against Theranos, Walgreens, Sunny Balwani,</p> <p>17 and Elizabeth Holmes, pending in Arizona.</p> <p>18 Could you please state and spell your name</p> <p>19 for the record?</p> <p>20 A. Sure. The first name is Viswanathan,</p> <p>21 V-I-S-W-A-N-A-T-H-A-N. Last name is Chandrasekaran,</p> <p>22 C-H-A-N-D-R-A-S-E-K-A-R-A-N. I'm also called as</p> <p>23 Shekar Chandrasekaran.</p> <p>24 Q. Thank you.</p> <p>25 MS. GARDNER: I will mark the first exhibit</p>	<p>1 here, which is a subpoena, as Chandrasekaran</p> <p>2 Exhibit 1.</p> <p>3 (Deposition Exhibit 1 was marked</p> <p>4 for identification.)</p> <p>5 BY MS. GARDNER:</p> <p>6 Q. Do you recognize this document?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. All right. Could you tell me what this is?</p> <p>9 A. This is the subpoena that was given to me</p> <p>10 by Santa Clara County Sheriff Office for me to</p> <p>11 appear for the deposition here in -- in your office.</p> <p>12 Q. Have you been deposed before today?</p> <p>13 A. No.</p> <p>14 Q. All right. Then I will tell you some</p> <p>15 ground rules. I will ask questions and you will</p> <p>16 provide answers. The court reporter here will write</p> <p>17 down every word that we say, and so it's important</p> <p>18 that you speak up so she can hear you, and also that</p> <p>19 we don't speak at the same time. So when I ask a</p> <p>20 question, if you could wait until I finish the</p> <p>21 question, that would be good, and I will wait until</p> <p>22 you finish your answer. Do you understand that?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Great. Occasionally counsel for</p> <p>25 Mr. Balwani here and for Walgreens on the phone will</p>

<p style="text-align: right;">Page 17</p> <p>1 A. No. I already knew that I had no 2 documents, so -- so there's nothing to discuss about 3 it. 4 Q. Okay. Did you search for any of the 5 documents requested? 6 A. So the answer is I -- Theranos actually had 7 a mandatory agreement with IncRev -- that's my 8 company -- that we are not allowed to copy, print, 9 forward any information outside of Theranos without 10 an explicit permission from Elizabeth and/or Sunny, 11 so therefore we never actually took anything out of 12 Theranos office, including to the point where we 13 actually had all the meeting notes written in two 14 notebooks that I had -- I had my personal notebooks. 15 I left them when I left Theranos, so I don't have 16 any such written documentation here, so -- or e-mail 17 communications, for that matter. 18 Q. Have you received e-mail correspondence 19 from anybody with an -- with a theranos.com e-mail 20 address since May of 2018? 21 A. May of 2018. Yes, I do. 22 Q. What e-mail address -- at what e-mail 23 address did you receive that correspondence? 24 A. Shekarc -- 25 (Reporter requests clarification.)</p>	<p style="text-align: right;">Page 18</p> <p>1 THE WITNESS: Shekarc, S-H-E-K-A-R-C, @ -- 2 (Reporter requests clarification.) 3 THE WITNESS: Increvcorp, 4 I-N-C-R-E-V-C-O-R-P, dot-com. 5 COURT REPORTER: Thank you. 6 BY MS. GARDNER: 7 Q. Did any of that correspondence relate to 8 the LIS database? 9 A. It was -- David Taylor actually asked me if 10 I would -- you know, if I would reach out to a law 11 firm for somebody to -- somebody to, you know, see 12 the database -- 13 (Reporter requests clarification.) 14 THE WITNESS: David Taylor, who was then 15 the CEO -- I don't know when the date was, actually. 16 It's -- might have been May, but since you said May 17 of 2018, so I'm just saying sometime in June, July, 18 August, or whatever this time frame. So he send me 19 a mail saying that -- he asked me if I would reach 20 out to a law firm. I forgot the law firm's name. 21 It is not the law firm represented by Amanda but 22 somebody else. That I would actually help in 23 engaging in a consulting agreement on doing -- you 24 know, rebuilding the entire application and the 25 database and so on, so I said I will, and I reached</p>
<p style="text-align: right;">Page 19</p> <p>1 out to them, and the initial conversation was, yeah, 2 we'll actually start this process. 3 They actually asked me to send a work 4 order, but then they just completely went dead. So 5 after that I asked them, you know, for like two, 6 three follow-up e-mails, and I -- I got zero 7 response back, so . . . 8 It is nothing to do especially with the LIS 9 database, but it is essentially, you know, would I 10 actually engage in a consulting agreement, for which 11 -- and I said, yeah, I will do that provided they me 12 pay me money, and I actually asked for retainership 13 and -- suddenly just went completely dead. 14 BY MS. GARDNER: 15 Q. Approximately when did communications from 16 this law firm stop? 17 A. You know -- so -- I -- I am -- I'm going to 18 jog my memory on this may not be hundred percent 19 right in terms of the dates, but let's just say that 20 I think, if my memory is right, they actually sent 21 it around -- yeah, towards the third or fourth week 22 of July David Taylor sent me the e-mail, and then I 23 reached out to them probably on the same day or the 24 next day, and then I got the first set of mail 25 responses like in a -- in a day or two, asking me to</p>	<p style="text-align: right;">Page 20</p> <p>1 put together a consulting agreement. I sent it to 2 them. They said they will review it. And then -- 3 so that actually all happened within a week's time. 4 And after that, just completely -- it just like went 5 to a dead thing. So it's all probably done within 6 -- within -- within a -- what, two or -- two weeks 7 or so. That's it. So . . . 8 Q. Okay. Do you recall -- well, do you still 9 have those e-mails? 10 A. I should actually have it. I should 11 actually have it. 12 Q. And I believe you testified the e-mails 13 involved rebuilding a database? 14 A. It -- not just rebuilding the database. It 15 is rebuilding the entire system. 16 Q. All right. And the entire system would 17 include the LIS database? 18 A. LIS database, everything, yeah, so all the 19 applications and everything else. 20 Q. Okay. And you are able to do that? 21 A. Given sufficient amount of time, yeah, the 22 answer is yes. 23 Q. Okay. 24 A. It's not a trivial job. I mean, it's not, 25 you know -- but it's -- it's many weeks' worth of</p>

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1 before, so -- does that mean you don't know, you  
 2 know, for instance, what procedures were followed to  
 3 ensure that the metadata was correct for each assay?  
 4 MS. MCDOWELL: Objection. Form.  
 5 Objection. Asked and answered.  
 6 THE WITNESS: Yes. I don't know that -- I  
 7 don't know what processes are followed. As I said,  
 8 I was in a locked-up room, so -- we were not allowed  
 9 to talk to anyone else.  
 10 BY MS. AUSTIN:  
 11 Q. Okay. Just to -- just to ask my question  
 12 more clearly. So do you know what procedures were  
 13 followed to ensure that the metadata was correct for  
 14 each assay?  
 15 A. No idea.  
 16 MS. MCDOWELL: Again, same objection.  
 17 Asked and answered. I think we've been over this.  
 18 MS. AUSTIN: Okay. Okay. I think that's  
 19 all I have.  
 20 MS. MCDOWELL: I've got a few follow-ups.  
 21 I don't know if you want to go through the whole  
 22 rigmarole of changing seats.  
 23 MS. GARDNER: I think we're fine.  
 24 MS. MCDOWELL: Okay. If you're good with  
 25 that, I am too.

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1 A. That is correct.  
 2 Q. And you are not qualified to medically  
 3 evaluate any clinical results that are on Theranos's  
 4 LIS database?  
 5 A. One hundred percent right.  
 6 Q. You are not qualified --  
 7 A. I am not qualified, yes.  
 8 Q. Okay.  
 9 MS. MCDOWELL: Thank you. No further  
 10 questions.  
 11 THE VIDEOGRAPHER: Are we done?  
 12 Okay. This concludes the deposition of  
 13 Shekar Chandrasekaran. The time is 1:06 p.m., and  
 14 we're going off the record.  
 15 COURT REPORTER: Liz, do you want a copy of  
 16 the transcript?  
 17 MS. AUSTIN: Yes, please.  
 18 MS. MCDOWELL: And we'll take the  
 19 electronic copy as well. Thanks.  
 20 MS. AUSTIN: Just electronic for us as  
 21 well.  
 22 (TIME NOTED 1:06 p.m.)  
 23  
 24  
 25

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1 EXAMINATION  
 2 BY MS. MCDOWELL:  
 3 Q. Okay. I've just got a few follow-ups for  
 4 you as well. Thank you for your time.  
 5 I've heard your testimony today, and is it  
 6 fair to say that your work at Theranos did not  
 7 include validating Theranos's assays?  
 8 A. That is correct.  
 9 Q. And you did not play a role in developing  
 10 Theranos's assays?  
 11 A. Absolutely none.  
 12 Q. And you mentioned today certain changes  
 13 that were made to assay metadata. Do you recall  
 14 that?  
 15 A. Yes.  
 16 Q. Is it true that the scientists on the  
 17 computational biosciences team were responsible for  
 18 determining what changes were made?  
 19 A. Correct.  
 20 Q. And you did not play a role in determining  
 21 what changes to assay metadata were necessary; is  
 22 that correct?  
 23 A. Absolutely correct.  
 24 Q. And you relied on the scientists to give  
 25 you that information?

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1 CERTIFICATE OF REPORTER  
 2 I, JOHNNA PIPER, a Certified Shorthand  
 3 Reporter, hereby certify that the witness in the  
 4 foregoing deposition was by me duly sworn to tell  
 5 the truth, the whole truth, and nothing but the  
 6 truth in the within-entitled cause;  
 7 That said deposition was taken in shorthand  
 8 by me, a disinterested person, at the time and place  
 9 therein stated, and that the testimony of the said  
 10 witness was thereafter reduced to typewriting, by  
 11 computer, under my direction and supervision;  
 12 That before completion of the deposition,  
 13 review of the transcript [ ] was [ X ] was not  
 14 requested. If requested, any changes made by the  
 15 deponent (and provided to the reporter) during the  
 16 period allowed are appended hereto.  
 17 I further certify that I am not of counsel  
 18 or attorney for either or any of the parties to the  
 19 said deposition, nor in any way interested in the  
 20 event of this cause, and that I am not related to  
 21 any of the parties thereto.  
 22 DATED: May 12, 2019  
 23  
 24  
 25

  
 JOHNNA PIPER, CSR NO. 11268

## **Exhibit 4**



## RE: Call re LIS (priv/conf) - time sensitive

---

**From:** Shekar Chandrasekaran <[REDACTED]>  
**To:** Eric Caddenhead <ecaddenhead@theranos.com>  
**Cc:** Michael Chung <[REDACTED]>, eric@caddenhead.org  
**Date:** Wed, 29 Aug 2018 14:06:25 +0000

Eric:

The Server binaries are in the directory: E:\Deployment. Need the copy of that entire directory.

Best,

\shekar..

V. Chandrasekaran (Shekar)  
IncRev Corporation  
Email: [REDACTED]  
Phone: [REDACTED]  
Cell: +[REDACTED]  
Web: <http://www.increvcorp.com>

-----Original Message-----

From: Eric Caddenhead <ECaddenhead@theranos.com>  
Sent: Wednesday, August 29, 2018 1:02 AM  
To: Shekar Chandrasekaran <[REDACTED]>  
Cc: Michael Chung <[REDACTED]>; 'eric@caddenhead.org' <eric@caddenhead.org>  
Subject: Re: Call re LIS (priv/conf) - time sensitive

Shekar,

I fixed Prod VPN (it took several hours to troubleshoot) and now have remote access, what server(s) have the binaries you need?

---

From: Shekar Chandrasekaran <[REDACTED]>  
Sent: Tuesday, August 28, 2018 1:59 PM  
To: David Taylor; ADR Katie Moran WORK:350 South Grand Avenue; Michael Chung; Eric Caddenhead  
Subject: RE: Call re LIS (priv/conf) - time sensitive

I am okay with this. Let me know when.

Best,

\shekar..

V. Chandrasekaran (Shekar)  
IncRev Corporation  
Email: [REDACTED]  
Phone: [REDACTED]  
Cell: +[REDACTED]  
Web: <http://www.increvcorp.com>

-----Original Message-----

From: David Taylor <dtaylor@theranos.com>

Sent: Tuesday, August 28, 2018 12:16 PM

To: ADR Katie Moran WORK:350 South Grand Avenue <katie.moran@wilmerhale.com>; Shekar Chandrasekaran <[REDACTED]>; Michael Chung <[REDACTED]>; Eric

Caddenhead <ECaddenhead@theranos.com>

Subject: Call re LIS (priv/conf) - time sensitive

Can this group convene for a call as soon as possible, ideally this afternoon, to hash out what we still need from LIS and what we need to do to get it, given that the system will be put into storage this Friday and may thereafter be very difficult to resuscitate? Michael Chung of Neetek (our IT consultant) and I are both available after 2 pm today. Thanks.

Sent from my iPhone

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Theranos, Inc., 7373 Gateway Boulevard, Newark, CA 94560

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## **Exhibit 5**

---

**From:** Eric Caddenhead <ECaddenhead@theranos.com>  
**Sent:** Thursday, August 30, 2018 7:01 AM  
**To:** Michael Chung; John McChesney; shekarc@[REDACTED]; David Taylor; 'eric@[REDACTED]'  
**Subject:** Re: LIS

Yes, I copied the directory. All clear to shutdown.

---

From: Michael Chung <[REDACTED]>  
Sent: Wednesday, August 29, 2018 11:46:55 PM  
To: John McChesney; shekarc@[REDACTED]; David Taylor; Eric Caddenhead; '[REDACTED]'  
Subject: RE: LIS

Hi John,

Eric and I discussed earlier this afternoon and at that moment he mentioned that he was able to connect to the necessary server, but couldn't login due to authentication server unavailable. Eric, were you able to get past that authentication error?

+Eric

-Michael

-----Original Message-----

From: John McChesney <jmcchesney@theranos.com>  
Sent: Wednesday, August 29, 2018 11:35 PM  
To: shekarc@[REDACTED]; Michael Chung <[REDACTED]>; David Taylor <dtaylor@theranos.com>  
Subject: LIS

Michael and Shekar,

where do we stand with LIS? I must start taking equipment out of the server room tomorrow or we will not have time to remove it before losing control of the building. I will start in the morning by removing items that are not installed but will not be able to wait long before shutting down installed hardware.

John

Sent from my iPhone

=====

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## **Exhibit 6**

**From:** Benedetto, Matthew  
**Sent:** Monday, June 4, 2018 4:40 PM EDT  
**To:** Davies, Christopher; Romeo, Mike; Mugmon, Michael; Moran, Katie  
**CC:** Gautam, Zubin; Maali, Sahar; Smith, Robert Kingsley; Lewis, Jessica  
**Subject:** RE: Theranos -- Summary of 5/23/18 Call with the DOJ

Redacted

**From:** Davies, Christopher  
**Sent:** Thursday, May 24, 2018 5:43 AM  
**To:** Romeo, Mike ; Mugmon, Michael ; Benedetto, Matthew ; Moran, Katie  
**Cc:** Gautam, Zubin ; Maali, Sahar  
**Subject:** RE: Theranos -- Summary of 5/23/18 Call with the DOJ

Redacted

**From:** Romeo, Mike  
**Sent:** Wednesday, May 23, 2018 11:35 PM  
**To:** David Taylor ([dtaylor@theranos.com](mailto:dtaylor@theranos.com)) <[dtaylor@theranos.com](mailto:dtaylor@theranos.com)>; Davies, Christopher <[Christopher.Davies@wilmerhale.com](mailto:Christopher.Davies@wilmerhale.com)>; Mugmon, Michael <[Michael.Mugmon@wilmerhale.com](mailto:Michael.Mugmon@wilmerhale.com)>; Benedetto, Matthew <[Matthew.Benedetto@wilmerhale.com](mailto:Matthew.Benedetto@wilmerhale.com)>; Moran, Katie <[Katie.Moran@wilmerhale.com](mailto:Katie.Moran@wilmerhale.com)>  
**Cc:** Gautam, Zubin <[Zubin.Gautam@wilmerhale.com](mailto:Zubin.Gautam@wilmerhale.com)>; Maali, Sahar <[Sahar.Maali@wilmerhale.com](mailto:Sahar.Maali@wilmerhale.com)>  
**Subject:** Theranos -- Summary of 5/23/18 Call with the DOJ

**Privileged and Confidential**  
**Attorney-Client Communication**

Hello All,

This afternoon, Michael, Matt, Katie, and I talked with Jeff Schenk and John Bostic to follow up on some open items from our call last Thursday (the 17<sup>th</sup>). Broadly, we covered the following three topics: Redacted

Redacted

Redacted

Redacted 3) production of additional items requested in the DOJ's April 20th subpoena (lab data Redacted

Redacted

Redacted



5. We promised to explore options for producing additional data showing how the tests for all Theranos customers were conducted (*i.e.*, data allowing the DOJ to understand which device was used to process a given customer's test or tests).

Redacted



III. Our Production of Additional Items Requested in the DOJ's April 20th Subpoena (Lab Data Redacted  
Redacted

Redacted



- e. Lab data: We discussed Jeff and John's request for lab data that would show "how a given assay had been run;" in other words, what device was used to process the test a given patient received. We told Jeff and John that unfortunately, it was not feasible to simply provide a copy of the LIS database, because they would not have the experience with the system to understand how to compile the data they wanted. After a good deal of back and forth, Jeff and John asked whether it would be possible to provide them with two data compilations: (1) a table that correlates the accession number of a test ordered (this number is stored in LIS) with the name of the customer who ordered the test, and (2) a second spreadsheet which would list every test Theranos had run, together with the result and the analyzer used to run the test. Jeff and John could then match up the second table with the first table to determine how a given customer's tests were performed. We indicated that given the Company's resource constraints, we could not guarantee this could be done, but we would explore what was feasible and circle back to them on this point.
- f. Finally, Jeff and John indicated they would provide us with an updated subpoena requesting patients' test results as stored in LIS which does not include the prior subpoena's carve out for HIV test results, so that we can produce the full compilation of LIS test reports we have gathered.

Redacted



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## **Exhibit 7**

Exhibit Number	Exhibit Date	Description	Beginning Bates	Ending Bates
20001	1/29/2013	Sample Theranos Confidential Information and Invention Assignment Agreement	TS-1157052	TS-1157060
20002	3/12/2013	Dell Master Lease Agreement	THPFM0000650372	THPFM0000650374
20003	11/27/2013	Theranos Datacenter Network diagram	THPFM0000228604	THPFM0000228605
20004	6/9/2015	Theranos LIS Application June 9th, 2015 Release presentation	THPFM0001705425	THPFM0001705425
20005	6/10/2015	Email string between Ian McDowell to Sunny Balwani re: Visio's of CoLo (Visio files attached)	BALWANI000001	BALWANI000003
20006	10/20/2015	LIS App User Guide presentation	THPFM0003358957	THPFM0003358957
20007	10/20/2015	Customer Service App User Guide presentation	THPFM0003358959	THPFM0003358959
20008	5/23/2018	Email from Mike Romeo to David Taylor, Christopher Davies, Michael Mugmon, Matthew Benedetto and Katie Moran re: Theranos - Summary of 5/23/18 Call with the DOJ	WH000002070	WH000002073
20009	6/22/2018	Email string between Eric Caddenhead and Xan White re: RE: Summary of our conversation [privileged/confidential]	TheranosABC00039050	TheranosABC00039051
20010	7/30/2018	Email string between John McChesney, Eric Caddenhead, Xan White, and David Taylor re: Re: LIS data base discussion - response to request	TheranosABC00039916	TheranosABC00039918
20011	8/24/2018	Email from David Taylor to George Schuster, Benjamin Loveland, Isley, Gostin, Michael Mugmon, Katie Moran, Mike Romeo, and Xan White re: Email	WH000003587	WH000003587
20012	9/14/2018	Email string between Roger Heller and Stephen O'Neill re: FW: In re Theranos: Request for Confirmation re Preservation of Evidence	WH000000970	WH000000970
20013	10/12/2018	Email between Jarod Wada, Michael Chung, David Taylor and Phillipe Poux re: Theranos ABC - Cisco capital lease equipment	DTTPROD-00000159	DTTPROD-00000159
20014	11/7/2018	Email string between Mike Wei and Jarod Wada re: Re: Theranos LIS database	TheranosABC00001770	TheranosABC00001772

## **Exhibit 8**



November 12, 2021

Via Email

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Re: United States v. Ramesh "Sunny" Balwani  
No. CR-18-00258-EJD (N.D. Cal.)

Dear Counsel:

Enclosed please find Mr. Balwani's preliminary list of potential case-in-chief exhibits as of November 12, 2021. This list represents Mr. Balwani's good-faith effort to identify the documents he may present during his case-in-chief at trial. In addition to documents included on the enclosed list, Mr. Balwani may offer any document included on either the government's or Ms. Holmes's exhibit lists, or any document that has been introduced during Ms. Holmes's trial, should he choose to offer a case-in-chief.

This exhibit list remains a work in progress. To the extent Mr. Balwani may offer any defense at trial, any defense case turns on the scope and nature of the government's case-in-chief. Accordingly, Mr. Balwani is continuing to identify additional documents he may use as case-in-chief exhibits, and will not be able to determine the exact documents he may use until the government has completed the presentation of its case-in-chief.

Impeachment documents, documents to be used solely on cross examination, and summary and demonstrative exhibits are not included on this list. The inclusion of a document on the enclosed list does not mean that Mr. Balwani will offer it at trial. Nor does the inclusion of a document on the enclosed list indicate that the document is admissible if offered by the government at trial. Mr. Balwani expressly maintains all objections to any document identified on his case-in-chief exhibit list.



November 12, 2021

Page 2

We are also sending via email a production of documents Bates-labeled BALWANI000001-BALWANI000003. Mr. Balwani may use these documents as part of his case-in-chief at trial should any defense be necessary.

Mr. Balwani reserves his right to revise and supplement this exhibit list further prior to and during the trial, if necessary. To the extent Mr. Balwani subsequently identifies or obtains documents that he may use as part of his case-in-chief at trial, he will supplement his production accordingly pursuant to Rule 16(c).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey B. Coopersmith", with a long, sweeping horizontal stroke extending to the right.

Jeffrey B. Coopersmith